

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NOs : 8705, 18277 and 18278 of 2002

WRIT PETITION No.8705 of 2002

Between:

1. Amir Ali Mirza S/o Babar Ali Mirza
R/o Old Malakpet, Hyderabad.
2. P. Vasudeva Rao S/o P.V. Raghavaiah
R/o Vijayawada, Krishna District.

..... PETITIONERS

AND

1. The State of A.P., Rep by its Special Chief Secretary to the Revenue

Department, Secretariat, Hyderabad.

2. The District Collector,
Khairathabad, Hyderabad,
Ranga Reddy District.
3. The District Registrar of Stamps and Registration,
Ranga Reddy District.
4. The Sub-Registrar,
Champapet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or Writ particularly one in the nature of Certiorari may be issued calling for the records to G.O.Ms.No.751 Revenue (Registration-I) Department dt.12.12.2001 in so far as S.No.60 to an extent of Ac.70.00 situated at karmanghat, saroonagar Mandal, Ranga Reddy District and quash the same as

illegal and arbitrary and also call for the records pertaining to the order dt.3.4.2002 issued by the 4th Respondent refusing to register the documents and quash the same as illegal and arbitrary and grant all other consequential benefits.

Counsel for the Petitioners: MR.M.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 18277 of 2002

Between:

S.Sakkubai W/o.Late S.Narsing Rao
R/o.H.No.1-1-751,Gandhi Nagar, Hyderabad.

..... PETITIONER

AND

1. The State of A.P Rep. by its Special Chief Secretary to the Revenue

Department, Secretariat, Hyderabad.

2. The District Collector Rangareddy District
Khairatabad, Hyderabad.

3. The District Registrar of Stamps and Registration
Rangareddy District.

4. The Sub-Registrar
Champapet Rangareddy District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or writ particularly one in the nature of *Writ of Mandamus* calling for the records pertaining to G.O.Ms.No.751 Revenue (Registration-I) Department dated 12-12-2001 in so far as S.No.60 to an extent of Ac.70.00 situated at Karmanghat Village, Saroonagar Mandal, Rangareddy District and set aside the same as illegal and arbitrary and also call for the records pertaining to the order dated 22-7-2002 bearing No.247/2002 issued by the 4th Respondent refusing to register the documents and set aside the same as illegal and arbitrary and grant all other consequential benefits.

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 18278 of 2002

Between:

N. Ramchandar Rao S/o.N.Raghunatha Rao
R/o.Brahmanawada, Karimnagar
Karimnagar District.

..... PETITIONER

AND

1. The State of A.P Rep. by its Special Chief Secretary to the Revenue

Department, Secretariat, Hyderabad.

2 The District Collector Rangareddy District
Khairtabad, Hyderabad.

3 The District Registrar of Stamps and Registration
Rangareddy District.

4 The Sub-Registrar
Champapet, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or writ particularly one in the nature of *Writ of Mandamus* calling for the records pertaining to G.O.Ms.No.751 Revenue (Registration-I) Department dated 12-12-2001 in so far as S.No.60 to an extent of Ac.70.00 situated at Karmanghat village, Saroornagar Mandal, Rangareddy District and set aside the same as illegal and arbitrary and also call for the records pertaining to the order dated 20-4-2002 bearing No.93/2002 issued by the 4th respondent refusing to register the documents and set aside the same as illegal and arbitrary and grant all other consequential benefits.

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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COMMON ORDER :

The petitioners in all these writ petitions claim to be the Members of A.P. Agricultural Development Employees Co-operative House Building Society, which was registered in the year 1982. The said society purchased different extents of land situated in Sy.No.60 of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District under registered sale deeds executed by respective vendors. Thereafter, on a request made by the society, the Government issued G.O.Ms.No.143, dated 29-02-1992 converting the said land into residential zone and subsequently by proceedings dated 15-04-1998, the L.B. Nagar Municipality released the final approval lay out. The individual members of the society including the petitioners herein were granted permissions by the Municipality for construction of houses as per the approved lay out. The petitioners state that subsequently they sold their respective plots to third parties by executing sale deeds in their favour. The grievance of the petitioners is that when the said sale deeds were presented for registration before the Sub-Registrar, Champapet, the same were not received on the ground that the Joint Collector, Ranga Reddy District had instructed not to entertain any registrations in respect of Sy.Nos.57 to 60 of Karmanghat Village stating that an extent of Ac.705-28 guntas in the said survey numbers was declared as surplus land. It is also learnt that the 1st respondent issued G.O.Ms.No.751, Revenue (Registration-I) Department, dated 12-12-2001 in exercise of the powers conferred under Section 22-A of the Registration Act, 1908 as amended by the Registration (A.P. Amendment) Act, 1999, declaring the registration of documents of immovable properties specified therein including the land in Sy.No.60 as opposed to public policy. The said G.O.Ms.No.751, dated 12-12-2001 is questioned in all these writ petitions on various grounds.

This Court while directing Rule Nisi, by order dated 14-05-2002 granted interim direction to the respondents to register the documents presented by the petitioners if they are otherwise in order without reference to the G.O.Ms.No.751, dated 12-12-2001, however, the Registering Authority shall not release documents to the petitioners or their nominees until further orders.

While so, during the pendency of the writ petitions, the Government issued

G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13-10-2004 in exercise of the powers conferred under sub-section (1) of Section 22-A of the Registration Act, 1908, denotifying the notification issued in G.O.Ms.No.751, Revenue (Regn.I) Department, dated 12-12-2001 in respect of certain lands as specified in the earlier G.O., which includes Sy.No.60 of the Karmanghat village. A copy of the said G.O. has been placed before this Court.

In the light of the G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13-10-2004, the learned Counsel for the petitioner submits that the objection raised by the Registering Authority on the basis of G.O.Ms.No.751, Revenue (Regn.I) Department, dated 12-12-2001 does not exist, and therefore there cannot be any further objection for withholding the documents presented by the petitioners for registration. The fact that the G.O.Ms.No.807, dated 13-10-2004 was issued denotifying the earlier G.O.Ms.No.751, dated 12-12-2001 has not been disputed by the learned Government Pleader appearing for the respondents.

Having heard the learned Counsel for both the parties and having regard to the facts and circumstances of the case, I am of the view that the respondents cannot rely upon on G.O.Ms.No.751, dated 12-12-2001 any longer and the documents presented by the petitioners for registration cannot be withheld on the basis of G.O.Ms.No.751, dated 12-12-2001. Accordingly, I deem it appropriate to dispose of the writ petition with a direction to the respondents to release the documents presented by the petitioners after due registration.

However, it is made clear that in case the Registering Authority finds any other objection, it is open to him to raise such objection, but the same shall be communicated to the petitioners, within a period of four weeks from the date of receipt of this order.

Accordingly, these Writ Petitions are disposed of. No costs.

15th December, 2004.

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Note: - Issue C.C. by one week.

(B/o)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Special Chief Secretary,
Revenue Department, Secretariat,
HYDERABAD.

2. The District Collector,
Rangareddy District
Khairatabad, Hyderabad.

3. The District Registrar of Stamps and Registration
Rangareddy District.

4. The Sub-Registrar
Champapet,

Rangareddy District

5. Two C. Cs to G.P. for Revenue, High Court Buildings,

HYDERABAD (OUT).

6. Two C.D. copies